

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

James R. Thomas, Jr.,

Plaintiff,

v.

Owens Corning Composite  
Materials, LLC, Glass,  
Molders, Pottery, Plastics  
& Allied Workers International  
Union (AFL-CIO), and Local  
Union # 15,

Defendants.

C/A No. 8:10–2210-TMC

**OPINION & ORDER**

This matter is before the court on Defendants' Motions for Reconsideration (Dkt. #57 and 58). On December 14, 2010, the court held a hearing on Defendants' Motions for Summary Judgment. After a lengthy hearing, the court issued its order denying the Defendants' Motions for Summary Judgment, setting forth with particularity the reasons therefor. Defendants seek reconsideration of the oral order of the court<sup>1</sup>.

There are three circumstances in which a court can grant a motion made pursuant to Rule 59(e), Fed. R. Civ. P.: "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998). Further, Rule 59 motions may not be used to "relitigate old matters, or to raise arguments or present evidence that could have been raised prior to entry of

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<sup>1</sup>In its motion, the Defendant Owens Corning Composite Material, LLC, noted that the court had not issued a written order and requested that it be allowed to supplement its motion when a written order became available. (Def. Owens Corning's Mot. at 1 n. 2). At the hearing, the court stated that the transcript will reflect the court's oral ruling on the summary judgment motions. To clarify, there will not be a written order entered on the Defendants' Summary Judgment Motions.

judgment", Wright, Miller & Kane: Federal Practice and Procedure, § 2810.1 (2nd Ed.).

Upon review of the Defendants' Motions for Reconsideration, the court does not find grounds to alter or amend its order. The court is unable to discern any material fact or principal of law that was overlooked or disregarded, and finds that further oral argument would not aid in the decision-making process. Accordingly, the Defendants' Motions for Reconsideration (Dkt. # 57 and 58) are **DENIED**.

The court also notes that at the end of the hearing, the court requested that the parties submit a proposed amended scheduling order, but to date one has not been submitted. The parties are to submit a proposed amended scheduling order by February 15, 2012.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Greenville, South Carolina  
February 6, 2012